

DETAILED ACTION

Election/Restrictions

1. As set forth in the previous office actions, newly submitted claims 18-31 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the claims are directed to patentably distinct species with mutually exclusive subject matter from the previously presented claims. For example, the current claim is directed to driving "while the print head and the print medium are relatively moved" where "the print elements belonging to the same drive block have the same drive timing and the print elements belonging to a different drive block have different drive timings" whereas the previously presented claim was directed to "dividing first print elements into a plurality of drive blocks and activating [these] drive blocks...on a time-division basis" and where "the second print elements have the same time-division drive timing." Further, the instant claim is directed to "print elements adjoining each other are allocated to different drive blocks" with part of the print elements in adjoining chips overlapped in a scan direction and "the number of the overlapping print elements is equal in number to an integer times the number of the print elements" whereas the previously presented claim was directed to second print elements in adjoining chips being aligned in a scan direction with *printing positions* which overlap in the scan direction and "number of second print elements is equal in number to an integer times the number of drive blocks." The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species, as set forth above. In addition, these species are not

Art Unit: 2861

obvious variants of each other based on the current record. There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph. The requirement is still deemed proper and is therefore made FINAL.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-31 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Amendment

1. The reply filed on 8/20/08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): All of the claims have been cancelled or withdrawn from consideration. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Should applicant not satisfy

Art Unit: 2861

the requirements for a valid amendment for these same reasons in the next reply, the reply will be assumed to be not bona fide and the application will be abandoned.

Response to Arguments

2. Applicant's arguments filed 12/30/08 have been fully considered but they are not persuasive. The newly presented claims are directed to a patentably distinct species, as set forth above, and there is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN J. GOLDBERG whose telephone number is (571)272-2728. The examiner can normally be reached on Monday through Friday, 9AM-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on 571-272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2861

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW LUU/
Supervisory Patent Examiner, Art Unit 2861

/Brian J. Goldberg/
Examiner
Art Unit 2861